

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A sample vial for use in an automated test apparatus, the sample vial comprising:

a body comprising an outer surface, an open end, a closed end, and at least one anti-rotation lug about said body outer surface, the anti-rotation lug comprising a generally flat, longitudinally disposed surface extending radially outwardly from said body outer surface, the longitudinally disposed surface comprising a lowermost edge ~~that is substantially, at least a portion of which is~~ perpendicular to said body outer surface, the lowermost edge located closer to the open end than to the closed end;

a cap releasably engagable with said body, said cap comprising an outer surface and a torque pattern on said cap outer surface, said torque pattern comprising a plurality of radially disposed ribs; and

a seal disposed between said body and said cap so as to be capable of forming a substantially fluid-tight seal therebetween,

wherein both of the flat surface and the lowermost edge of the at least one anti-rotation lug is accessible when the cap is engaged with the body for reacting against proximate structure of the automated test apparatus when installed therein to facilitate at least one of automated removal and installation of the cap.

2. (Original) The sample vial of claim 1 wherein said body comprises a translucent material.

3. (Original) The sample vial of claim 1 wherein said body comprises polypropylene.

4. (Original) The sample vial of claim 1 wherein said cap further comprises knurling along an outer perimeter thereof.

5. (Original) The sample vial of claim 1 wherein said cap comprises polypropylene.
6. (Original) The sample vial of claim 1 wherein said seal comprises a multicomposite material.
7. (Original) The sample vial of claim 1 wherein a substantially fluid-tight seal between said body and said cap is formed when between about 5 and 50 inch-pounds of torque is applied.
8. (Original) The sample vial of claim 7 wherein a substantially fluid-tight seal between said body and said cap is formed when about 20 inch-pounds of torque is applied.
9. (Cancelled)
10. (Previously Presented) The sample vial of claim 1 wherein said torque pattern comprises six radially disposed equi-spaced ribs.
11. (Cancelled)
12. (Previously Presented) The sample vial of claim 1 wherein said body comprises a plurality of circumferentially-disposed lugs.
13. (Original) The sample vial of claim 12 wherein said body comprises six equi-spaced circumferentially-disposed lugs.
14. (Original) The sample vial of claim 12 wherein said plurality of circumferentially-disposed lugs are disposed proximate said open end.
15. (Previously Presented) The sample vial of claim 1 wherein said body further comprises fluid level indicia disposed on said outer surface thereof.
16. (Original) The sample vial of claim 15 wherein said fluid level indicia comprises a frosted annular band disposed circumferentially about said body outer surface.
17. (Original) The sample vial of claim 15 wherein said fluid level indicia comprises at least one fill line.

18. (Original) The sample vial of claim 17 wherein said fluid level indicia comprises an upper fill line and a lower fill line.
19. (Original) The sample vial of claim 1 wherein said cap comprises a first alignment marker said body comprises a second alignment marker, wherein said first and second alignment markers indicate a fluid-tight seal when at least aligned.
20. (Original) The sample vial of claim 19 wherein said cap may be removed from said body by the application of less than about 25 inch-pounds of torque, when said first marker is at least aligned with said second marker.
21. (Original) The sample vial of claim 1 wherein said seal is disposed within said cap.
22. (Original) The sample vial of claim 1 wherein said cap further comprises a first screw thread, said body further comprises a second mating screw thread, said cap and said body being releasably engagable by means of said first screw thread and said second screw thread.
23. (Original) The sample vial of claim 1 wherein said body further comprises sample indicia.
24. (Original) The sample vial of claim 23 wherein said sample indicia comprises a bar code.
25. (Original) The sample vial of claim 1 wherein said body further comprises a flange proximate said open end.
26. (Currently Amended) The invention sample vial of claim 1 wherein the proximate structure is selected from the group consisting of a storage tray and a vial sleeve.
27. (New) The sample vial of claim 1 wherein the body is a single body.

A complete listing of all pending claims in the application, each including a proper status identifier, has been provided with this response. If the Examiner has any questions or comments regarding this response, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,
BINGHAM McCUTCHEN LLP

Dated: 4-9-04

By: David T. Burse
David T. Burse
Reg. No. 37,104

BINGHAM McCUTCHEN LLP
Three Embarcadero, Suite 1800
San Francisco, CA 94111-4067
(650) 849-4400